IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8768 OF 2004

Suresh Dattatraya Patil, .. Petitioner.

Vs

Purna Gram Panchayat,

Tal.Bhiwandi...& Ors .. Respondents

Mr V.A.Venegaonkar with Mr N.R.Jadhav, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 28th October, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. The submissions of Mr Venegaonkar, learned counsel for the petitioner, are threefold. Firstly, that a new ground was discussed in the meeting convened for considering no confidence motion against the petitioner which was not mentioned in the notice. Secondly, the notice of the meeting was not served on the petitioner as required under the provisions of the Bombay Village Panchayats Act, 1958 and the rules framed thereunder in respect of no confidence motion and thirdly, the petitioner was not heard by the Collector.

3. I perused the orders passed by the Collector and the Commissioner. Both the authorities have considered all the aforementioned grounds and rejected them on merits. In so far as the first contention urged by Mr Venegaonkar that a new ground was discussed in the meeting, is concerned, perusal of the record shows that the grounds mentioned in the notice of the meeting convened for expressing no confidence against the petitioner were also discussed in the said meeting and in view thereof I find no merit in the submission. In so far as the second ground is concerned, it is not disputed that the notice was received by the petitioner and he attended the meeting in pursuance thereof. Merely because the notice was accepted by the petitioner's wife, it cannot be said that the petitioner was not served with the notice as required under the provisions of the Act and the Rules. I perused the order passed by the Collector wherein the Collector has made a detailed reference to the circumstances in which the matter was adjourned from time to time and despite the several opportunities given to the petitioner, his advocate did not appear before him. Moreover, the Commissioner, by making a specific reference to the said grievance seems to have given sufficient opportunity to

the petitioner. The motion was carried in the meeting in which except the petitioner all voted in favour of the motion. Considering that there are concurrent findings recorded by the authorities below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings recorded by the authorities below, the present writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.qBHOSALE, J.)